

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 5:18-00938 JFW (ADS) Date: June 05, 2019

Title: Richard Gene Stephens v. FCI Victorville Medium 2 Medical Staff

Present: The Honorable Autumn D. Spaeth, United States Magistrate Judge

Kristee Hopkins
Deputy Clerk

None Reported
Court Reporter / Recorder

Attorney(s) Present for Plaintiff(s):
None Present

Attorney(s) Present for Defendant(s):
None Present

Proceedings: **(IN CHAMBERS) ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR FAILURE TO PAY
FILING FEE**

On May 2, 2018, Richard Gene Stephens (“Plaintiff”) filed a Complaint under 42 U.S.C. § 1983. [Dkt. No. 1]. On the same day, Plaintiff filed an application to proceed without prepayment of the full filing fee (“IFP Application”). [Dkt. No. 2]. On May 9, 2018, the Court granted Plaintiff’s IFP Application and ordered Plaintiff to pay the filing fee in monthly installments pursuant to 28 U.S.C. § 1915. [Dkt. No. 4]. Plaintiff was ordered to pay the initial partial payment of \$26.00 by June 8, 2018. [Dkt. No. 4]. Plaintiff failed to pay the initial payment. [Dkt. No. 5].

On June 12, 2018, the Court ordered Plaintiff to show cause why this case should not be dismissed without prejudice for failure to pay the filing fee. [Id.]. On June 22, 2018, Plaintiff responded that he “was not aware the payments were not being made until he received the Court’s Show Cause Order” and that he “has made arrangements to have the full filing fee paid by his family.” [Dkt. No. 8, p. 1]. As of the date of this Order, the Court has not received any filing fee payments from Plaintiff or his family.

Pursuant to 28 U.S.C. § 1915(b), prisoners seeking to bring a civil action are required to pay the full amount of the filing fee even if an IFP application is granted.

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Plaintiff has failed to make any filing fee payments to the Court. Thus, Plaintiff has not complied with 28 U.S.C. § 1915(b).

Accordingly, Plaintiff is hereby **ORDERED TO SHOW CAUSE** why this case should not be dismissed for failure to pay the filing fee. By **no later than June 28, 2019**, Plaintiff must file a response to this Order to Show Cause explaining the following: (A) why the case should not be dismissed for failure to pay the filing fee, in which Plaintiff shall include a certified copy of Plaintiff's prison trust account for the last sixty (60) days prior to the date of this Order; or (B) that Plaintiff has paid the initial partial payment or full payment and providing evidence of payment. Plaintiff must ensure that the initial partial payment or full payment of the filing fee is paid by **June 28, 2019**.

Plaintiff is warned that failure to respond or to file the certified documents within the time specified may result in a recommendation that this action be dismissed without prejudice for failure to prosecute and obey Court orders pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Initials of Clerk kh